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Attorney Docket No. 449/117

REMARKS

This is responsive to the office action dated January 9, 2008 in the above application. Pending claims 1-25 have all been rejected. Based upon the foregoing amendments and the following remarks, applicant respectfully requests reconsideration and allowance of the case.

Before turning to the specific rejections, a brief review of the present invention as claimed is in order. In order to route telephone calls over a data network such as the Internet, the present invention uses an "originating gateway" – a gateway that takes the call from the public switched telephone network ("PSTN") and puts in onto the Internet. However, before doing so, such an originating gateway must often check with a third party server to authenticate the call.

The present invention is directed to a system that allows multiple PSTN carriers to share a gateway. Since the calling party may be a subscriber to any of these plural PSTN carriers, calls arriving at the originating gateway will have to be authenticated in different third party servers. For example, PSTN company X may have a computer that the originating gateway can use to authenticate the call, however, if the call comes from a subscriber of PSTN company Y, the originating gateway can not check the computer of PSTN company X in order to authenticate the call. Company X's computer of course will have no record of the subscriber.

Thus, the present invention is directed to a system that allows the originating gateway to determine, on a call by call basis, how to authenticate the incoming call by first ascertaining the carrier, and then, determining how to authenticate calls from that carrier. The server checked for each carrier may vary, and calls arriving at the originating gateway and identified as being associated with one or more specific carriers may be assumed authenticated even without checking any server. Also, various IVR responses can be permitted which vary carrier by carrier.

Turning to the merits of the present rejections, claims 1, 3, 5-8 10, 12-18, 20, 22 and 24 are rejected as anticipated by Schuster. Applicant respectfully traverses this rejection.

Rather than teach the present invention, Schuster actually teaches the very prior art system described in the background of the invention of the present specification. More specifically, applicant directs the Examiner's attention to Fig. 1 of Schuster, which shows 3 gateways 25, 35 and 45, each of which is connected between a local PSTN exchange and the public Internet. The gateways 25, 35 and 45 are analogous to the originating gateways of the present invention, as these gateways place the call onto the Internet.

Note however, that in Schuster, all calls coming from 1st local exchange go to gateway 25, all calls from the 2nd local exchange go to gateway 35, and all calls from the third local exchange go to gateway 45. See Fig. 1, Schuster. This is precisely what is described as prior art at page 5 of the present application. This does not teach the idea that a gateway should first ascertain the carrier associated with the call, as all calls arriving on a gateway are from the one gateway connected to that carrier.

Claim 1 requires that after the data associated with an incoming call is matched, the call is completed "utilizing a carrier server corresponding to a carrier associated with the assigned indicia..." In Schuster, there appears to be no such comparison and/or alteration of any server used to complete the call. Indeed, there is no need to determine which carrier is associated with the incoming call, because all calls incoming to any gateway are associated with the same carrier.

Similarly, independent claim 8 calls for an originating gateway and at least one carrier, and a "means for connecting said call to a carrier server...corresponding to the assigned indicia." This limitation permits one gateway to service multiple carriers, each of which has plural subscribers. Such limitation is not shown or suggested in Schuster, which affirmatively shows one carrier per gateway, assuming the local exchanges are deemed carriers.

Claims 15-18, also rejected as anticipated by Schuster, all contain limitations that are similar, in that all require a gateway that makes a determination as to what carrier is associated with the call, then takes some action based thereon such as selecting a server that depends upon the carrier, authenticating the call at a different server that depends upon the carrier entity, etc. As best as applicant can understand the cited portion of Schuster, it appears to disclose a conventional authentication system that simply authenticates the user before permitting a call. Schuster has no need for a gateway to match data to attempt to identify what carrier is associated with the call, because each gateway is hard connected to one single carrier. (See Fig. 1 of Schuster). Accordingly, it is respectfully submitted that the rejections of claims 3, 5-6, 8, 10, 12-13, 15-18, 20 and 22 as anticipated by Schuster should be withdrawn.

The remaining claims 2, 4, 9, 11, 19, 21, 23, and 25 stand rejected as obvious combinations of Schuster with Olshansky. The Action relies upon Olshansky for the teaching of an IVR script. However, regarding claims 2, 4, 9 and 11, these claims depend from the independent claims

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discussed above. These claims are thus believed patentable.

Claim 19 requires a gateway which is configured to identify the entity responsible for implementing the IVR script, and then to route the call to the relevant IVR server. Applicant can find no teaching in the cited references to use a gateway that is even capable of ascertaining which of plural entities is responsible for the IVR script. Applicant respectfully submits that the mere teaching by Olshansky to use IVR does not meet the limitations of claim 19, and the rejection should be withdrawn.

Claim 21 has been amended to require that the gateway is adapted to contact at least one of plural servers based upon the identifier and to play a different script based upon the identifier. This feature is totally absent from either of the cited references.

Claims 23 and 25 also stand rejected as obvious, and applicant respectfully traverses these rejections. Independent claim 23 is a two step methodology that first ascertains whether the gateway can assume authentication has already occurred, and then, if not, examines the incoming signal to ascertain which of plural third party entities can perform authentication, authorization, and accounting. The Examiner cites col. 4, lines 53-60 of Olshansky for this teaching. However, the cited portion of the Olshansky patent simply states that computers needed to perform these functions are provided. It says nothing about the two step methodology recited in claims 23-25.

Applicant reiterates that the present invention, as now claimed, is directed to a gateway that can receive calls from various carriers, and then determine which carrier server to use for various functions, or which carrier's IVR to use, etc. Applicant respectfully submits that such a system is not disclosed in either of the two cited references, even if combined. The applicant therefore respectfully requests reconsideration and allowance of all pending claims in view of the above remarks and amendments. The Examiner is authorized to deduct additional fees believed due from our Deposit Account No. 11-0223.

Respectfully submitted,

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